

Panaji, 21st September, 1995 (Bhadra 30, 1917)

SERIES II No. 25

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There are two Extraordinary issues to the Official Gazette, Series II No. 24 dated 14-9-95 as follows:

- 1) Extraordinary dated 14-9-1995 from pages 235 to 236 regarding Addendum and Notification from Social Welfare Department and Revenue Department, respectively.
- 2) Extraordinary No. 2 dated 18-9-1995 from pages 237 to 238 regarding Notification from Department of Personnel.

GOVERNMENT OF GOA

Department of Personnel

Order

No. 6/3/81-PER (Vol. VIII) Part

In partial modification of the Government order No. 6/3/81-PER (Vol. VII) dated 21-2-1995 the Government is pleased to transfer and post the following Senior Grade I Officers against the posts indicated against their names:—

Sr. No.	Name of the officer and present posting	Posted on transfer
1.	Shri Joseph Carvalho, Director of Administration, Electricity Department.	Secretary, State Election Commission.
2.	Shri S. S. Byali, Registrar of Co-operative Societies.	Director of Administration, Electricity Department, Panaji.

Shri Carvalho shall be on deputation and will be governed by the Standard terms of deputation as contained in this Department's O.M. No. 13/4/74-PER dated 10-10-1990.

Shri Byali, shall hold additional charge of the post of Registrar of Co-operative Societies during the period of Training of Shri Sahoo abroad.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Personnel).

Panaji, 20th March, 1995.

Planning Department

Order

No. 4-3-81/PLG- Vol II (Part)

Read: Government Order No. 4-3-81/PLG-Vol. II (Part I) dated 27-6-1995.

The term of deputation of Shri D. G. Natekar, Statistical Officer, of the Common Statistical Cadre who was working as Statistical Officer in the Kadamba Transport Corporation, Ltd., Panaji, is extended from 1-6-1995 to 2-7-1995.

By order and in the name of the Governor of Goa.

G. S. Zuarkar, Under Secretary (Budget).

Panaji, 17th August, 1995.

Order

No. 4-12-92/PLG

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/38(3)/92 dated 19-6-1995, Government is pleased to promote Shri M. R. Sinari, at present working as Statistical Officer on ad hoc basis as Statistical Officer on officiating basis with immediate effect.

On promotion he is posted in the same office where he is working at present.

The above officer will be on probation for a period of two years from the date of his promotion.

By order and in the name of the Governor of Goa.

G. S. Zuarkar, Under Secretary (Budget).

Panaji, 6th July, 1995.

Order

No. 4-3-81/PLG-Vol. II (Part. I)

Government is pleased to transfer on deputation Shri S. H. Bhat, Statistical Officer of Common Statistical Cadre of the Directorate of Planning, Statistics & Evaluation presently working as Statistical Officer, Directorate of Social Welfare, Panaji and post him as Statistical Officer, Kadamba Transport Corporation, Limited, Panaji to man the post of Statistical Officer in the pay scale of Rs. 2200-4000 in the Kadamba Transport Corporation, Panaji with immediate effect.

2. Shri D. G. Natekar, Statistical Officer of the Directorate of Planning Statistics & Evaluation, Panaji who is on deputation to Kadamba Transport Corporation, Panaji and whose deputation period has expired on 31-5-1995 is repatriated and posted in the Directorate of Social Welfare, Panaji.

3. The deployment of Shri Bhat as Statistical Officer of the above Corporation shall be on deputation and will be governed on the terms and conditions contained in O.M. No. 13/4/74-PER dated 10-10-1990. The period of deputation shall be initially for a period of one year from the date of joining in Kadamba Transport Corporation, Panaji.

By order and in the name of the Governor of Goa.

G. S. Zuarkar, Under Secretary (Budget).

Panaji, 27th June, 1995.

Education Department

Order

No. ACAD/SAL/71/90/1417

Read:— 1) Letter No. BES/HTHS/91-92/324, dated 14-2-92 from the President/Chairman, Benaulim Education Society, Benaulim.

2) Order No. DE/Acad. I/HTHS/Report/90/438, dated 24-2-92.

3) Order No. DE/Acad. I/HTHS/Report/90/639, 18-2-94.

4) Letter No. BES/Memorandum/95/101, dated 2-2-95 from the President, Benaulim Education Society, Benaulim.

Whereas the President of Benaulim Education Society, Benaulim requested this office vide his letter referred to at (1) above to take over the Management of Holy Trinity High & Higher Secondary School, Benaulim, AND

2. Whereas the Director of Education took over the Management of the said High & Higher Secondary School by order number mentioned at Sr. No. (2) above, AND

3. Whereas the Management of the said High & Higher Secondary School was handed over to a Managing Body of following persons vide this office order number mentioned at Sr. (3) above,

1. Fr. Victor Rodrigues
2. Mr. Trevor Pinto
3. Smt. Inacina Dias, AND

4. Whereas vide letter referred to at Sr. No. (4) above, the President of Benaulim Education Society, Benaulim requested this office to hand over the Management of Holy Trinity High & Higher Secondary School, Benaulim, back to its original management, AND

5. Whereas the Director of Education gave hearing to all concerned in the matter of handing over of the Management back to its former Management on 9-2-95 and 8-3-95 by giving written intimations, AND

6. Whereas the Director of Education after hearing all parties concerned and after examining the situation has come to the conclusion that the purpose for which the management of the school was taken over has been fulfilled and it is not necessary that the school should be continued to be managed anymore by the Managing Body as referred to above, at para (3), AND

7. Whereas Government have agreed that the administration of the said Holy Trinity High School alongwith its Primary section and also Higher Secondary Section shall be handed over back to the Managing Committee of Benaulim Education Society, Benaulim, AND

THEREFOR, in exercise of the powers vested in the Director of Education under sub-section (7) of Section 20 of Goa School Education Act, 1984, I hereby order for the restoration of the management of the school to its earlier Managing Committee and thereupon the management and the control of the school shall vest with that Committee. The Authorised Body consisting of 1) Fr. Victor Rodrigues, Chairman, (2) Mr. Trevor Pinto, Member and (3) Smt. Inacina Dias, Member shall hand over the charge of the management of Holy Trinity High School alongwith Higher Secondary and Primary Section to the Managing Committee of Benaulim Education Society headed by Fr. Saturnino Antao as its President with immediate effect.

This Order is issued with the concurrence of the Government dated 19-4-95.

Geet Sagar, Director of Education and Ex-Officio Additional Secretary to Government of Goa.

Panaji, 19th May, 1995.

Order

No. 16/11/94-EDN

On the recommendation of the Goa Public Service Commission Panaji, conveyed vide their letter No. COM/I/6/18(3)/94 dated 19-1-1995 and letter No. COM/I/6/18(3)/94 dated 6-2-1995, the Government of Goa is pleased to appoint on regular basis, the following officers of the Goa College of Engineering, Farmagudi, to the post of Lecturer in the pay scale of Rs. 2200-

-75-2800-EB-100-4000/- w.e.f. the date indicated against their name. Hitherto they were holding their respective post on ad hoc basis, which appointment has now been regularised.

- | | |
|--------------------------------|-------------|
| 1. Shri Roy M. Cherian, | 24-12-1990. |
| Lecturer in Civil Engineering. | |
| 2. Shri S. Sreekumar, | 31-12-1990. |
| Lecturer in Civil Engineering. | |
| 3. Shri S. N. Betagiri, | 15-01-1987. |
| Lecturer in Civil Engineering. | |
| 4. Shri Adappa Jalihas, | 09-01-1991. |
| Lecturer in Geology. | |
| 5. Ms. Ujjwala Fadke, | 08-07-1991. |
| Lecturer in Mathematics. | |
| 6. Shri Mahesh H. Dani, | 05-10-1989. |
| Lecturer in Mechanical Engg. | |
| 7. Shri V. Mariappan, | 01-08-1991. |
| Lecturer in Mechanical Engg. | |
| 8. Shri George Easaw, | 09-05-1994. |
| Lecturer in Mechanical Engg. | |

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 21th June, 1995.

Order

No. 25/8/95-EDN

Kum. Sumitra S. Tari is hereby temporarily appointed on ad hoc basis as Lecturer in Civil Engineering in Government Polytechnic, Bicholim w.e.f. 26-5-95 (F. N.) in the scale of Rs. 2200-4000/- plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/-.

The appointment is subject to the condition specified in the Office Memorandum No. 25/2/95-EDN (Part) dated 16-5-1995 and the Rules and Regulation laid down by the Government from time to time.

The appointment is for a period of four months and purely on ad hoc basis and it will not bestow on the appointee any claim for regular appointment/promotion to the higher post and seniority and will be liable to be terminated by one month's notice given by either side.

The appointment is liable for termination in case the character and antecedent of the appointee are adverse so as to disqualify her from holding of a post under the Government.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 23rd June, 1995.

Order

No. 25/9/95-EDN

Shri Nitin Gaonkar is hereby temporarily appointed on ad hoc basis as Lecturer in Mechanical Engineering in Government Polytechnic, Bicholim, w.e.f. 29-5-95 (F. N.) in the scale of Rs. 2200-4000/- plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/-.

The appointment is subject to the condition specified in the Office Memorandum No. 25/2/95-EDN (part) dated 16-5-95 and the Rules and Regulations laid down by the Government from time to time.

The appointment is for a period of four months and purely on ad hoc basis and will not bestow on the appointee any claim for regular appointment/promotion to the higher post and seniority and will be liable to be terminated by one month's notice given by either side.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from holding of a post under the Government.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 28th June, 1995.

Order

No. 15/1/95-GCHS/EDN

Read: — Memorandum No. 15-7-88-EDN, dated 6-3-1995.

On the recommendation of the Goa Public Service Commission vide their letter No. COM/I/5/53 (1)/94 dated 24-1-1995 Government is pleased to appoint Kum. Facho Charlotte Olivio, on temporary basis, to the post of Lecturer in Textile and Clothing in the Goa College of Home Science, Panaji on an initial pay of Rs. 2200/- in the pay scale of Rs. 2200-4000/- w.e.f. 20-6-1995 (F.N.) as per the terms and conditions contained in the Memorandum cited above.

Kum. Facho Charlotte Olivio, will be on probation for a period of one year.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 28th June, 1995.

Order

No. 14/10/95/EDN

The Government is pleased to constitute a look into the hardships being faced by the retired teachers due to the non-settlement of their pension cases, with the following members, with immediate effect.

- | | |
|--|------------|
| 1. Minister of State for Education, Secretariat, Panaji. | — Chairman |
| 2. Secretary Education, Secretariat, Panaji. | — Member |
| 3. The Director of Education, Panaji-Goa. | — Member |
| 4. The Director of Accounts, Panaji-Goa. | — Member |

The Committee will look after the implementation of the pension cases and the hardships being faced by the retired teachers due to the non-settlement of their pension cases.

The above committee is initially appointed for a period of 3 years and shall meet twice in a year.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 28th June, 1995.

Order

No. 14/2/87/EDN (Part-II)

Read: Govt. Order No. 14/2/87/EDN (Part-II), dated 25-2-93.

Shri Jai Jai Ram Anand, Assistant Director of Education now retired, is hereby promoted on ad hoc basis to the post of Deputy Director of Education w.e.f. 22-8-1991, and his pay shall be fixed nationally and that he will be entitled to all other consequently benefits flowing from the same.

This order supersedes the earlier order of even number dated 9-3-1995.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 29th June, 1995.

Order

No. 16/13/92/EDN

The ad hoc appointment of the following teaching staff in the Goa College of Engineering, Farmagudi, is hereby extended for a further period of six months w.e.f. the dates indicated in Column No. 3 or till the posts are filled up on regular basis whichever is earlier, on the same terms and conditions.

Sr. No.	Name of the teacher and designation	Date from which the ad hoc appointment is extended
1.	2.	3.
1.	Shri Roy M. Cherian Lecturer in Civil Engg.	24-06-1995.
2.	Smt. T. Krishnakumari, Lecturer in Elect. Engg.	24-06-1995.
3.	Shri G. R. Kunkolienkar, Lecturer in Elect. Engg.	24-06-1995.
4.	Shri J. J. Goliwadekar, Asst. Prof. (Training).	16-06-1995.
5.	Miss Wilma Rita Fernandes, Lecturer in Civil Engg.	30-06-1995.
6.	Shri Milind S. Sakhardande, Lecturer in Mech. Engg.	22-06-1995.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 28th June, 1995.

Public Works Department

Order

No. PWD/7560/INT/UPSC/74/WET/ESN/159

Read: — Notice of voluntary retirement dated 21-3-1995 of Shri E. S. Nambodiri, Engineering Officer, Public Works Department, Government of Goa.

Government is pleased to accept the Notice of Voluntary retirement given by Shri E. S. Nambodiri, Engineering Officer, Public Works Department under F. R. 56 (k) w.e.f. 21-6-1995 (F.N.).

Accordingly, he stands relieved of the post from the Fore Noon of 21-6-1995.

By order and in the name of the Governor of Goa.

R. T. Khorjuvekar, Under Secretary (P.W.D.).

Panaji, 8th May, 1995.

Transport Department

Notification

No. 7/3/89-TPT (Part 3) Vol. II

In pursuance of Article 66 of the Articles of Association of the Konkan Railway Corporation Limited, the Government of Goa hereby nominates Shri Janak Digal, Secretary to the Government of Goa, as an alternate Director on the Board of Directors of the said Company in place of Smt. Geeta Sagar, Secretary Transport, Government of Goa, with immediate effect.

By order and in the name of the Governor of Goa.

Celina Dias e Caldeira, Under Secretary (Transport).

Panaji, 7th August, 1995.

Revenue Department

Notification

No. 22/153/83-RD

In partial modification of the Government Notification No. 22/153/83-RD dated 18-10-1987 and subsequent notifications appointing the Land Acquisition Officers to discharge the

functions of the Collector under Land Acquisition Act, 1894, the proceedings of the acquisition of land which were hereto looked after by the Dy. Collector (Dev.), Margao shall be continued by the Land Acquisition Officers shown in column No. 5 of the attached annexure.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Revenue).

Panaji, 21st March, 1995.

ANNEXURE

Sr. No.	Number and date of the Notification	Subject	To whom the Case allotted to	To whom the case is now allotted
1	2	3	4	5
1.		L.A. for const. of road from St. Joao Moll via Tolloi Vanelim Chinchimorod in V.P. Colva of Salcete Taluka (Addl. Area).	Dy. Collector (Dev), South Goa District, Margao.	S. D. O., Margao
2.	22/89/92-RD dated 27-5-94	L.A. for const. & B/T of link road to Hari Mandir including approach road to Malbhat in Margao City of Salcete Taluka.	— do —	— do —
3.		L.A. for const. & B/T of road from Chadwado to Reprovada via Novangulli and Pedda in V.P. Varca, Salcete Taluka (Addl. Area).	— do —	— do —
4.	22/131/91-RD dated 24-6-93	L.A. for const. of road from Chadwado to Reprovada via Noangulli and Pedda in V.P. Varca, Salcete Taluka.	— do —	— do —
5.	22/201/91-RD dated 5-7-93	L.A. for const. & B/T of Talwado to Guddo, Phadtewaddo, Colwado, Dongorim road in Talwado ward in Cuncolim, of Salcete Taluka.	— do —	— do —
6.	22/106/92-RD dated 16-9-93	L.A. for const. & B/T of Talwado to Guddo, Fadtwado, Colwado, Dongor road in villages Veroda & Talvorda of Salcete Taluka (Addl. Area).	— do —	— do —
7.	22/11/93-RD dated 18-8-93	L.A. for const. of road from Tirwan to Kallam in V.P. Cotigao in Canacona Taluka.	— do —	S. D. O., Quepem
8.	—	L.A. for const. of road from Mirandwada to Val via Davalkajan in V.P. Agonda of Canacona Taluka.	— do —	— do —
9.	22/67/93-RD dated 30-9-93	L.A. for const. of Bimbol to Shigao road in V.P. Collem in Sanguem Taluka (Addl. Area).	— do —	— do —
10.	—	L.A. for technical bldg. & staff quarters for Telecom Department at Pillem of Sanguem Taluka.	— do —	— do —
11.	22/72/92-RD dated 15-12-93	L.A. for const. of footbridge including approaches leading to Chalchipand to Borus in V.P. Loliem & Poinguinim in Canacona Taluka.	— do —	— do —
12.	22/256/91-RD dated 16-7-93	L.A. for const. of road from Bimbal to Shigao in V.P. Collem in Sanguem Taluka.	— do —	— do —
13.	22/71/94-RD dated 25-7-94	L.A. for const. & B/T of road from Khareband to Sirvodem Rice Mill in Margao City and Navelim village of Salcete Taluka (Addl. Area).	— do —	L. A. O. (PWD)
14.	22/49/94-RD dated 26-5-94	L.A. for Rural Water Supply Scheme to village Gokuldem in Quepem Taluka.	— do —	— do —
15.	22/174/91-RD dated 12-7-93	L. A. for const. & B/T of Mulleamvado, Bainfol, Orel, Bainfol to Banda, Murida Chandeamado, Premierwado to Ambelim Santiwado road in V. P. Assolna in Salcete Taluka.	— do —	— do —
16.	22/51/93-RD dated 4-10-93	L. A. for const. of road from Ollizaino to Combia bhat via Toleacanto, Mascarenhaswado, Colacowado, Zaino in V. P. Velim of Salcete Taluka.	— do —	— do —
17.	22/10/92-RD dated 19-7-93	L. A. for const. of footbridge alongwith approach road at Baga, Chirconalli in Quepem Taluka.	— do —	— do —
18.	22/130/90-RD dated 4-3-93	L. A. for const. of approach road from Cunniwada to Postwada in V. P. Canaguinim (Nagueri) in Quepem Taluka.	— do —	— do —
19.	22/62/94-RD dated 25-7-94	L. A. for const. of Dongrim, Majorda, Dongrim Kurcha, Gabriel Church road, Our Lady Church to Toleaband Guirim road & Godinho road situated at Calata in V. P. Majorda of Salcete Taluka (Addl. Area.).	— do —	S. D. O., Margao
20.	22/26/94-RD dated 11-7-94	L. A. for laying pipeline & service road of 160 MLD Selaulim Water Supply Project at Sao Jose de Area- Village of Salcete Taluka (Addl. Area).	— do —	— do —
21.	22/169/92-RD dated 31-1-94	L. A. for const. & B/T of road from Sirlim Mandop to S. Minguel vado in V. P. Dramapur in Salcete Taluka.	— do —	— do —
22.	22/223/92-RD dated 10-1-94	L. A. for const. of Alemaovado to Nagmodem via Singuerim in village Talaulim & Navelim of Salcete Taluka.	— do —	— do —

1	2	3	4	5
23.	22/137/89-RD dated 6-3-91	L. A. for const. of Bainfol and Bunder Orel road in V. P. Assolna, Salcete Taluka.	Dy. Collector (Dev), South Goa District, Margao.	Dy. Collector (L. A.) South Goa, Margao.
24.	22/54/90-RD dated 12-11-91	L. A. for widening of road from Maria Hall to Benaulim Beach in Salcete Taluka.	— do —	— do —
25.	22/49/90-RD dated 12-11-91	L. A. to approach road to 20 mts. bridge at Mandop village Navelim in Salcete Taluka.	— do —	— do —
26.	22/97/91-RD dated 17-8-92	L. A. for const. & B/T of road from Khareband to Sirvodem Rice Mill in Margao city & Navelim village of Salcete Taluka.	— do —	— do —
27.	22/58/91-RD dated 7-4-92	L. A. for const. of culvert including Borim road at Tolleband Fatorda Margao Junction.	— do —	— do —
28.	22/142/91-RD dated 1-3-93	L. A. for Dongrim, Majorda, Dongrim Church road, Gabriel Church Our Lady Church to Tolleband Guirim sada road and Godinho road in V. P. Majorda.	— do —	— do —
29.	22/101/89-RD dated 21-9-90	L. A. for const. of road from Costi to Costimol, in Sanguem Taluka.	— do —	— do —
30.	22/105/89-RD dated 10-9-90	L. A. for addl. land for Marytrs Memorial at Lohia Maidan in Margao City.	— do —	— do —
31.	22/148/90-RD dated 5-3-92	L. A. for underground drainage to Margao town Central Zone, in Margao.	— do —	— do —
32.	22/138/90-RD dated 6-3-92	L. A. for development of Multipurpose playground at Betalbatim, Salcete.	— do —	— do —
33.	22/179/89-RD dated 16-8-91	L. A. for expansion of Verna Plateau (Phase II).	— do —	— do —

Corrigendum

No. 22/34/95-RD

Read:- Govt. Notification No. 22/34/95-RD dt. 3-5-1995, published in the Official Gazette, Series II, No. 5 dated 4-5-1995.

For para 1 of the Notification cited above, the following para shall be substituted:-

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. construction of Panchayat Ghar cum Community Centre at V. P. Bastora.

And whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") are applicable.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the said Act, that the said land is likely to be needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Revenue).

Panaji, 8th August, 1995.

Corrigendum

No. 22/22/94-RD

Read:- Government Notification No. 22/22/94-RD, dated 17-5-1995, published in the Official Gazette, Series II No. 14 dated 6-6-1995 and in 2 local newspapers viz. (1) Sunaparant dated 26-5-1995 and the Navhind Times dated 28-5-1995.

In the Government Notification cited above, for the words "Deputy Collector (Dev.), appearing in para 2 and 3 thereof, the words "Deputy Collector (Revenue)", shall be substituted.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Revenue).

Panaji, 18th August, 1995.

Department of Labour

Order

No. 28/6/94-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

F. O. D'Costa, Under Secretary (Labour).

Panaji, 4th April 1995.

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA
AT PANAJI

(Before Shri AJIT J. AGNI, Hon'ble Presiding Officer)

Ref. No. IT/66/94

Shri R. G. Sakhardande, Ponda-Goa. — Workman/Party I
V/s

1. M/s. Toyopharma Farooqui — Employer No. 1
Mansion Ponda.

2. M/s. Toyo Pharmaceuticals Fa- — Employer/No. 2
rooqui Mansion.

PANAJI, DATED: 21-2-1995

Party I — Absent.

Party II — Represented by Shri Mahesh Nagueskar.

A W A R D

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (Central Act 14 of 1947), the Government of Goa by order dated 16-6-94 bearing No. 28/6/94-LAB referred the following dispute for adjudication by this Tribunal.

1. "Whether the action of the management of M/s Toyopharma Ponda, and M/s Toyo Pharmaceuticals, Ponda, in terminating the services of Shri R. G. Sakhardande, Accountant w. e. f. 16-4-91 is legal and justified?"
2. If not, to what relief the workman is entitled?
3. Whether the services of Shri R. G. Sakhardande with M/s Toyo Pharmaceuticals would be treated as taken over by M/s Toyopharma, the latter employer?"

2. On receipt of the reference, a case was registered under No. IT/66/94 and registered A/D notice was issued to the parties. The notice issued to Party I was returned unserved with postal endorsement 'Party Expired'. However, the Party II was served and was represented by Shri Mahesh Nagueskar. No. application was filed by the legal heirs/representatives of the Party I to bring them on record in place of the deceased Party I. In the circumstances, there is no statement of claim filed on behalf of the Party I or his legal heirs/representatives. The party II has also not filed any claim statement.

3. The reference of the dispute has been made by the State Government at the instance of Party I, since the party I challenged the order of termination of his services by the Party II and as such raised an industrial dispute. It is also a settled law that if a party challenges the legality of an order, the burden lies upon that party to prove the illegality of the said order. In the case of V. K. Raj Industries v/s Labour Court (1) and others reported in 1981 (29) FLR page 194 the Allahbad High Court has held that the proceedings before the Industrial Court are judicial in nature even though the Indian Evidence Act is not applicable to the proceedings before the Industrial Court, but the principles underlying the said Act are applicable. The High Court has also held that it is well settled that if a party challenges the validity of an order the burden to prove the illegality of the order and if no evidence is produced, the party invoking jurisdiction must fail. The High Court has further held that if the workman fails to appear or to file written statement or produce, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief. I entirely agree with the decision of the Allahbad High Court.

4. In the present case, since the dispute was raised by the Party I/workman and at his instance the reference was made by the Government, the burden was on the Party I-Workman to prove that the order of Termination of his services was illegal and unjustified. However, as per the postal endorsement, the Party I-Workman had expired and therefore, it was for the legal heirs/representatives of the Party I to get themselves on record in place of the deceased Party I and file their statement of claim and produce the necessary evidence to prove that the order of termination of the service of Party I was illegal and unjustified. No legal heir/representatives has intervened in the matter nor there is any evidence on record to show that the order of termination of service passed by the Party II is illegal. In the absence of any evidence, it cannot be held that the order of termination of service passed by the Party II is illegal. In the circumstances, I hold that the action of the Party II in terminating the services of Party I is legal and justified and hence, I pass the following order.

O R D E R

It is hereby held that the action of the management of M/s Toyopharma, Ponda and M/s Toyopharmaceuticals, Ponda

in terminating the services of the workman Shri R. G. Sakhardande Accountant, w. e. f. 16-4-1991 is legal and justified.

There shall be no order as to costs.

Inform the Government accordingly.

Sd/-

AJIT J. AGNI
Presiding Officer
Industrial Tribunal

Industries Department

Order

No. 3/18/91-IND(1)

Read: Order No. 3/18/91-IND(1) dated 6-3-95.

Sanction of the Government is hereby conveyed to continue the ad hoc appointment of following officers as Industries Officers. Group 'B' Gazetted on the pay scale of Rs. 1640-2900 in the Directorate of Industries & Mines, for a further period upto 31-12-1995.

1. Shri Martinho F. D'Souza — Industries Officers.
2. Shri P. F. A. Ferrao — Industries Officer.
3. Shri M. D. Mashelkar Industries Officer.

This issues with the approval of Goa Public Service Commission, Panaji vide their letter No. COM/II/11/25(1)/93 dated 21-8-1995.

By order and in the name of the Governor of Goa.

F. O. D'Costa, Under Secretary (Industries).

Panaji, 23rd August, 1995.

Law (Establishment) Department

Notification by the High Court of Judicature,
Appellate Side, Bombay

No. A. 1202/G/95

The Honourable the Acting Chief Justice and Judges are pleased to grant Shri N. S. Kaissare, Addl. District & Asstt. Sessions Judge, South Goa, Margao, Earned Leave for 15 days from 13th June 1995 to 27th June, 1995.

On return from leave Shri Kaissare will be reposted as Addl. District Judge and Asstt. Sessions Judge, South Goa, Margao.

The Addl. District & Asstt. Sessions Judge, Margao, South Goa ('B' Court) is Kept incharge of the post of Addl. District Judge and Asstt. Sessions Judge, South Goa, Margao ('A' Court) in addition to his own duties during the leave period of Shri N. S. Kaissare from 13-6-1995 to 27-6-1995.

High Court, Appellate Side, S. R. SATHE

Bombay, 19th May, 1995. Addl. Registrar, (ADM).